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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,552	12/05/2003	Ian Rippke	42339-198344	7984
26694	7590	12/01/2004	EXAMINER	
VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP			NGUYEN, JOSEPH H	
P.O. BOX 34385			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20043-9998			2815	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/727,552	<b>Applicant(s)</b> RIPPKE ET AL.	
	<b>Examiner</b> Joseph Nguyen	<b>Art Unit</b> 2815	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 8 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 7 and 9-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of claims 1-14 in the reply filed on 10/05/2004 is acknowledged. Note that applicant's election of claims 1-15 was a typo. Therefore, it is corrected to be claims 1-14 in accordance with the agreement on the phone conversation with Jeffrey Gluck on 10/12/2004.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanazawa et al.

Regarding claim 1, Kanazawa et al discloses on figure 5C a device comprising a layer 1 of a first conductivity type; a first transistor disposed in the layer; a body contact 78 disposed in the layer; and a resistance region 91 disposed in the layer 1 between the first transistor and the body contact region, the resistance region having a resistivity higher than a resistivity of the layer.

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Regarding claim 2, Kanazawa et al discloses on figure 5C a second transistor disposed in the layer 1 wherein the second transistor is disposed on the same side of the resistance region as the body contact region 78.

Regarding claim 3, Kanazawa et al discloses on figure 5C the body contact region 78 is adapted to be coupled to ground and the first conductivity type is p type.

Regarding claim 8, Kanazawa et al discloses on figure 5C the resistance region 91 occupies substantially an entire cross sectional area of the layer between the first transistor and the body contact region.

Claims 1-3, 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hsu et al.

Regarding claim 1, Hsu et al discloses on figure 6 a device comprising a layer 3 of a first conductivity type; a first transistor disposed in the layer; a body contact 15 disposed in the layer; and a resistance region (FOX) disposed in the layer 3 between the first transistor and the body contact region, the resistance region having a resistivity higher than a resistivity of the layer.

Regarding claim 2, Hsu et al discloses on figure 6 a second transistor disposed in the layer 3 wherein the second transistor is disposed on the same side of the resistance region as the body contact region 15.

Regarding claim 3, Hsu et al discloses on figure 6 the body contact region 15 is adapted to be coupled to ground and the first conductivity type is p type.

Regarding claim 5, Hsu et al discloses on figure 6 a substrate 1, the layer being disposed on top of the substrate 1.

***Allowable Subject Matter***

Claims 4, 6-7, 9-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Nguyen whose telephone number is (571) 272-1734. The examiner can normally be reached on Monday-Friday, 7:30 am- 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (571) 272-1664. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications.

JN  
November 23, 2004

  
JEROME JACKSON  
PRIMARY EXAMINER